

## **REMARKS**

Claims 1, 2, 7-13, 18, and 23-25 are pending in this application.

The Examiner is thanked for agreeing to and conducting an interview with the undersigned on November 30, 2007, and though the issues in this case were not resolved, it is believed that the interview advanced the matter in so much as the failings of the cited references were discussed in greater detail and both the Applicant's and the Examiner's interpretation of the references was further clarified.

In the final office action of April 19, 2007, claims 1-25 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 6,028,838 to Yamamura et al.

During the interview, independent claim 1, was discussed, with particular emphasis on the following recitation:

said control module further changes a data size of data  
transmitted by said server to said client terminal as the  
corresponding service;

It was pointed out to the Examiner that as best understood, the relied upon portions of Yamamura, namely col. 7 lines 45-65, and col. 8 lines 12-50 do not teach such a feature. As best understood, the relied upon portions of Yamamura teach matching available bandwidth with data to be transferred. However, that is not what is recited in claim 1, rather, in claim 1 the actual size of the data is being changed. An example of such a change in data size can be found on page 16 where there is described transmission of a photo image, that due to the size cannot be transmitted. The system matches content from the image with a transmittable file size corresponding to the QoS state. The result is that an image of lesser sharpness (data size) is transmitted, but the user is able to receive the content. This is distinctly different from matching available bandwidth with a file size for transmission since here the actual data is being resized to

fit the bandwidth available. Accordingly, it is submitted that claim 1 patentably distinguishes over the relied upon portions of Yamamura and is allowable. Claims 9, 18, and 25 include features similar to those described above and are therefore allowable for at least the same reasons as claim 1 is allowable.

Claims 2, 7, 8, 10-13, and 23-24 depend from claims 1, 9, and 18, respectively, and are therefore allowable for at least the same reasons as claims 1, 9, and 18 are allowable.

While these arguments were presented to the Examiner during the interview, it was indicated that given the advanced stated of prosecution nothing further could be done by the Examiner at that time, thus necessitating this new argument via a RCE such that further search and consideration of the arguments could be made by the Examiner.

### **CONCLUSION**

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

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